

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants :Yoshimitsu SASAKI et al.

Group Art Unit : 2851

Appl. No. : 10/597,797 (U.S. National Stage of
PCT/JP2005/02714)

Examiner : Q.V. Le

I.A. Filed : February 21, 2005

Confirmation No. : 6474

For : IMAGE PICK UP DEVICE AND IMAGE PICK UP METHOD

RESPONSE TO RESTRICTION REQUIREMENT, WITH TRAVERSE

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

ELECTION

In response to the Examiner's restriction requirement of May 13, 2009, in which the one month shortened statutory period for responding thereto runs to June 15, 2009 (June 13, 2009 being a Saturday), Applicants elect, with traverse, Species I, illustrated in Fig. 4. Applicants submit that claims 1-8, 11-13, 17-20 are readable on elected Species I.

TRAVERSE

Applicants respectfully traverse the Examiner's restriction requirement.

According to M.P.E.P. §1893.03(d), when making a lack of unity of invention requirement, the Examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group. Applicants submit that the Examiner has failed to specifically describe the unique special technical feature in each group to explain why each group lacks unity with each other group, as specified in requirement (2) above. Instead, the Examiner merely states that they are not so linked as to form a single inventive concept. Applicants submit that such a general statement fails to comply with the specifically describing requirement set forth in M.P.E.P. §1893.03(d).

M.P.E.P. §1893.03(d) also specifies that a group of inventions will be considered to be linked to form a single inventive concept where there is a technical relationship among the inventions that involves at least one common corresponding special technical feature. In this regard, as noted above, claims 1-8, 11-13, 17-20 are elected. Thus, should the restriction requirement be maintained, claims 9, 10 and 14-16 will be withdrawn. However, Applicants submit that the withdrawn claims are directed to at least one common corresponding special technical feature, as each of the withdrawn claims are dependent claims that further clarify features recited in each respective elected independent claim.

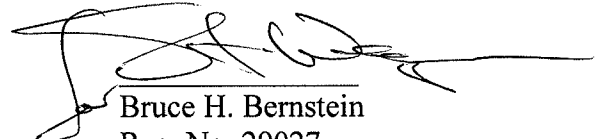
In view of the above, Applicants submit that all the claims in the application are linked to form a single inventive concept, and thus, all the claims should be examined. Thus, Applicants respectfully request that the Examiner withdraw the restriction requirement and examine all the pending claims.

Applicants further note that no restriction appears to have been set forth in International Application No. PCT/JP2005/02714, which was the International Application from which the

present National Stage application is based. Accordingly, Applicants submit that at least one International Examiner considered the issue of lack of unity and concluded that the claims are so linked as to form a single inventive concept. Accordingly, Applicants submit that an additional ground exists for concluding that the restriction requirement should be withdrawn.

For all of the foregoing reasons, Applicants respectfully request the restriction requirement be reconsidered and withdrawn. Any comments or questions concerning this application can be directed to the undersigned at the telephone number given below.

Respectfully Submitted,
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June 15, 2009
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